

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 26, 2003
SAN FRANCISCO, CALIFORNIA**

S112621

A097187 First Appellate District,
Division Five

EVANS et al. v. CITY OF BERKELEY et al.
Petition for review granted (civil case)

Votes: Kennard, Baxter, Chin and Brown, JJ.

S113321

A092782 First Appellate District,
Division Four

PEOPLE v. WALLACE
Petition for review granted (criminal case)

George, CJ., Kennard, Werdegar and
Chin, JJ.

S113433

C038946 Third Appellate District

PEOPLE v. MCCALL
Petition for review granted (criminal case)

Appellant's petition for review Denied.
Respondent's Petition for review Granted.

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S113180

D037485 Fourth Appellate District,
Division One

PEOPLE v. ATHAR
Petition for review granted; transferred to CA 4/1

with directions to reconsider its opinion in
light of the question whether a money
laundering enhancement under Penal Code
186.10(c) can be applied to a defendant not
convicted of money laundering under Penal
Code 186.10(a). (See rule 28 (b)(4), Cal.
Rules of Court.)

Votes: George C.J., Kennard, Baxter, Chin &
Brown JJ.

S113636

B162513 Second Appellate District,
Division Eight

AMERICAN AIRLINES v. S.C. (DIMARCO)
Review granted; transferred to CA 2/8 to issue OSC

directing respondent superior court to vacate
its order denying mandate and to issue an

order to show cause why the relief sought in the petition should not be granted.

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S103311

A091221 First Appellate District,
Division Two

WALIA v. AETNA, INC.

Dismissed per rule 29.3(b), and remanded to CA 1/2

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S104952

H022122 Sixth Appellate District

TOPSAIL COURT HOMEOWNERS ASSOC. v.
COUNTY OF SANTA CRUZ

Transferred to CA 6 after grant of review

for reconsideration in light of Government Code Section 53091, subdivisions (d) and (e) (Sen. Bill No. 1711 (2001-2002 Reg. Sess.)).

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S105031

F035862 Fifth Appellate District

PEOPLE v. HASELMAN

Dismissed per rule 29.3(b), and remanded to CA 5

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S108717

B147365 Second Appellate District,
Division Seven

PEOPLE v. SIZEMORE

Dismissed per rule 29.3(b), and remanded to CA 2/7

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S110272

B151901 Second Appellate District,
Division Four

PEOPLE v. WHITEHURST

Transferred to CA 2/4 after hold

with directions to vacate its decision and to reconsider the cause in light of *People v. Reliford* (2003) 29 Cal. 4th 1007.

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S109935

OCHOA (LESTER R.) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus is denied on the merits.

Claims 3, 4, 5, and 6 are procedurally barred, separately and independently, as untimely. (See *In re Robbins, supra*, 18 Cal.4th 770, 780-781; *In re Clark, supra*, 5 Cal.4th 750, 763-799.)

Except insofar as Claims 3 and 4 raise claims of ineffective assistance of counsel for failing to include a claim in the prior petition for writ of habeas corpus (*In re Lester Robert Ochoa on Habeas Corpus*, S064794, petn. den. Nov. 5, 1998), Claims 3, 4, 5, and 6 are procedurally barred, separately and independently, as successive. (*In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d 534, 546-547.)

Except insofar as they raise claims of ineffective assistance of counsel on appeal, Claims 5 and 6 are procedurally barred, separately and independently, as pretermitted because they could have been raised on appeal. (See *In re Harris, supra*, 5 Cal.4th 813, 824-829; *In re Dixon, supra*, 41 Cal.2d 756, 759.)

S112754B144175 Second Appellate District,
Division One

GIANNETAKIS v. GONSALVES

Petition for review denied

S112861G026587 Fourth Appellate District,
Division Three

DETELS v. FARMERS INSURANCE

Petition for review & publication request denied

Kennard, J., Werdegarr, J., and Moreno, J., are of the opinion review should be granted.

S112955A098878 First Appellate District,
Division FiveINTERSHOP COMMUNICATIONS AG et al. v. S.C.
(MARTINEZ)

Petition for review denied

Kennard, J., is of the opinion review should be granted.

S112985

B152420 Second Appellate District,
Division Seven

PEOPLE v. MCGEE

Petition for review denied

Kennard, J., and Moreno, J., are of the opinion
review should be granted.

S113023

G027960 Fourth Appellate District,
Division Three

PEOPLE v. ANSON

Petition for review & publication request denied

Kennard, J., is of the opinion review should be
granted.

S113049

B154751 Second Appellate District,
Division Six

PEOPLE v. BARRON

Petition for review denied

S113062

B159120 Second Appellate District,
Division Three

S. (MARSALIS), IN RE

Petition for review denied

S113074

B153766 Second Appellate District,
Division Two

PEOPLE v. PADILLA

Petition for review denied

S113123

B164123 Second Appellate District,
Division Seven

KAJIMA CORPORATION v. S.C. (LOS ANGELES

Petition for review denied

Chin, J., was recused and did not participate.

S113125

A100877 First Appellate District,
Division One

TOWN OF HILLSBOROUGH v. W.C.A.B.
(SOMMER)

Petition for review denied

S113205

B156333 Second Appellate District,
Division Four

SANCHEZ v. HILLERICH & BRADSBY CO. et al.

Petitions for review denied

S113214

C038865 Third Appellate District

BOYD et al. v. EASTIN, etc. et al.

Petition for review denied

S113217B163248 Second Appellate District,
Division OneAKBAR DELUX etc. et al. v. S.C. (BRACO)
Petition for review denied**S113234**

C039787 Third Appellate District

EGAN v. HECKMAN
Petition for review deniedKennard, J., is of the opinion review should be
granted.**S113358**

H022670 Sixth Appellate District

PEOPLE v. VIGIL
Petition for review denied**S113361**E032972 Fourth Appellate District,
Division TwoBERNAL (STEPHEN) ON H.C.
Petition for review denied**S113367**D037598 Fourth Appellate District,
Division OnePEOPLE v. ORDAZ
Petition for review denied**S113370**B147154 Second Appellate District,
Division FiveSEPULVEDA ESCROW CORP. v. BIG OAK INC.
Petition for review denied**S113383**E030784 Fourth Appellate District,
Division TwoPEOPLE v. HARVEY
Petition for review denied**S113397**A093437 First Appellate District,
Division ThreeTRAN v. FARMERS GROUP INC. et al.
Petition for review & depublication requests denied**S113413**D038107 Fourth Appellate District,
Division OnePEOPLE v. JOHNSON et al.
Petitions for review denied**S113422**

C034277 Third Appellate District

PEOPLE v. REYNOLDS
Petition for review denied

S113438

D039144 Fourth Appellate District,
Division One

PEOPLE v. SIMPSON

Petition for review denied

without prejudice to filing a petition for writ
of habeas corpus.

S113472

F037584 Fifth Appellate District

PEOPLE v. VELA

Petition for review denied

Baxter, J., was recused and did not participate.

S113496

D038521 Fourth Appellate District,
Division One

PEOPLE v. LINWOOD

Petition for review denied

S113522

B153255 Second Appellate District,
Division Four

LOPEZ v. OLYMPIC BUILDING, LTD.

Petition for review denied

S113567

G027216 Fourth Appellate District,
Division Three

PEOPLE v. VALDES

Petition for review denied

S113576

C039530 Third Appellate District

PEOPLE v. FARRIS

Petition for review denied

S113578

B154341 Second Appellate District,
Division Seven

PEOPLE v. LINDSEY

Petition for review denied

S113581

H024020 Sixth Appellate District

PEOPLE v. HOLQUIN

Petition for review denied

S113582

C038550 Third Appellate District

PEOPLE v. YORK

Petition for review denied

S113585

C039360 Third Appellate District

PEOPLE v. BOYD

Petition for review denied

S113589

G028564 Fourth Appellate District,
Division Three

PEOPLE v. HASSAN

Petition for review denied

S113592

F039530 Fifth Appellate District

G. (RODRIGO), IN RE

Petition for review denied

Kennard, J., is of the opinion review should be
granted.

S113610

B152163 Second Appellate District,
Division Three

PEOPLE v. MARES

Petition for review denied

S113613

B157035 Second Appellate District,
Division Six

PEOPLE v. OLSON

Petition for review denied

S113623

G028530 Fourth Appellate District,
Division Three

PEOPLE v. SMITH

Petition for review denied

S113628

C037726 Third Appellate District

PEOPLE v. PRECIADO

Petition for review denied

S113629

D037220 Fourth Appellate District,
Division One

ARYA et al. v. DJEKICH et al.

Petition for review denied

S113630

G030106 Fourth Appellate District,
Division Three

PEOPLE v. DELARIVA

Petition for review denied

S113637

B153333 Second Appellate District,
Division Two

PEOPLE v. THOMAS

Petition for review denied

S113641

B157390 Second Appellate District,
Division Five

PEOPLE v. AMOBI

Petition for review denied

S113643

B138910 Second Appellate District,
B141622 Division Two

AVIATION LEASING GROUP v. HYATT INTL.
Petition for review denied

S113647

F038589 Fifth Appellate District

PEOPLE v. PERANO
Petition for review denied

S113649

E031298 Fourth Appellate District,
Division Two

PEOPLE v. NAVARRETE
Petition for review denied

Kennard, J., is of the opinion review should be granted.

S113656

B154471 Second Appellate District,
Division Two

PEOPLE v. GONZALEZ
Petition for review denied

S113657

H023671 Sixth Appellate District

PEOPLE v. DHILLON
Petition for review denied

S113658

B155201 Second Appellate District,
Division Seven

PEOPLE v. ARNOLD
Petition for review denied

S113660

B155945 Second Appellate District,
Division Three

PEOPLE v. HAMMOCK
Petition for review denied

S113664

A098057 First Appellate District,
Division One

PEOPLE v. PERAZA
Petition for review denied

S113665

F038701 Fifth Appellate District

PEOPLE v. VELETA
Petition for review denied

S113666

A097864 First Appellate District,
Division Two

PEOPLE v. BERNSTINE
Petition for review denied

Kennard, J., is of the opinion review should be granted.

S113668

H022717 Sixth Appellate District

PEOPLE v. BRUNSON

Petition for review denied

S113672B153911 Second Appellate District,
Division Three

PEOPLE v. SCHIVERS

Petition for review denied

S113681E031003 Fourth Appellate District,
Division Two

PEOPLE v. ROCHA-PEREZ et al.

Petition for review denied

S113683D039312 Fourth Appellate District,
Division One

PUNSLY v. HO

Petition for review denied

Kennard, J., and Moreno, J., are of the opinion
review should be granted.**S113687**

C039014 Third Appellate District

PEOPLE v. WALTERS

Petition for review denied

S113689B111155 Second Appellate District,
Division One

PEOPLE v. NETHERLY

Petition for review denied

S113690B152597 Second Appellate District,
Division Seven

PEOPLE v. ALONSO

Petitions for review denied

S113694

F038056 Fifth Appellate District

PEOPLE v. PRESLEY

Petition for review denied

S113695B145833 Second Appellate District,
Division Eight

BANKS v. FRIENDLY HILLS MEDICAL CENTER

Petition for review denied

S113701B154141 Second Appellate District,
Division Six

PEOPLE v. SMITH

Petition for review denied

S113702

B154776 Second Appellate District,
Division Six

PEOPLE v. MARSHALL
Petition for review denied

S113703

E031519 Fourth Appellate District,
Division Two

PEOPLE v. HOLLMAN
Petition for review denied

S113704

E031327 Fourth Appellate District,
Division Two

PEOPLE v. GATEWOOD
Petition for review denied

S113705

F037457 Fifth Appellate District

PEOPLE v. AVILEZ
Petition for review denied

Baxter, J., was recused and did not participate.
Kennard, J., is of the opinion review should be
granted.

S113709

D039785 Fourth Appellate District,
Division One

DREWS (MARTIN), IN RE
Petition for review denied

S113710

C039916 Third Appellate District

PEOPLE v. THOMAS
Petition for review denied

S113713

F038352 Fifth Appellate District

PEOPLE v. JORDAN
Petition for review denied

Baxter, J., was recused and did not participate.

S113715

F038577 Fifth Appellate District

PEOPLE v. KINSEY
Petition for review denied

Baxter, J., was recused and did not participate.

S113717

F039062 Fifth Appellate District

PEOPLE v. JASPER
Petition for review denied

S113719

A096251 First Appellate District,
Division Four

PEOPLE v. MILLIGAN
Petition for review denied

S113722

B157664 Second Appellate District,
Division Four

A. (CHRISTIAN), IN RE
Petitions for review denied

S113728

B157140 Second Appellate District,
Division One

L. (SANTIAGO), IN RE
Petition for review denied

S113732

B164619 Second Appellate District,
Division Four

EGEDI v. S.C. (EGEDI)
Petition for review denied

S113734

B157459 Second Appellate District,
Division Seven

PEOPLE v. LAVERGNE
Petition for review denied

S113735

B154756 Second Appellate District,
Division Two

PEOPLE v. HERNANDEZ
Petition for review denied

S113737

B158525 Second Appellate District,
Division Three

PEOPLE v. ARCHULETA
Petition for review denied

S113738

B148369 Second Appellate District,
Division Seven

PEOPLE v. CRUZ
Petition for review denied

S113739

B156057 Second Appellate District,
Division Seven

PEOPLE v. MARQUEZ
Petition for review denied

S113740

B154736 Second Appellate District,
Division Seven

T. (LOREN) etc. et al. v. T. (WALTER DAVID)
Petition for review denied

S113741

E030748 Fourth Appellate District,
Division Two

PEOPLE v. FRETT

Petition for review denied

S113744

B154508 Second Appellate District,
Division Five

PEOPLE v. CAMPBELL

Petition for review denied

S113747

D040046 Fourth Appellate District,
Division One

PEOPLE v. BROWN

Petition for review denied

S113751

C040128 Third Appellate District

PEOPLE v. EDWARDS

Petition for review denied

S113755

B157742 Second Appellate District,
Division Six

PEOPLE v. SHANNON

Petition for review denied

S113762

A098518 First Appellate District,
Division Five

PEOPLE v. YOUNG

Petition for review denied

S113774

C039269 Third Appellate District

PEOPLE v. ROZENSKI

Petition for review denied

S113787

B158037 Second Appellate District,
Division Three

PEOPLE v. GUTIERREZ

Petition for review denied

S113810

C038278 Third Appellate District

PEOPLE v. HAYNES

Petition for review denied

S113963

D041364 Fourth Appellate District,
Division One

WATSON ON HABEAS CORPUS

Petition for review denied

S114137

A101763 First Appellate District,
Division Two

DAIMLERCHRYSLER v. S.C. (LITTLE et al.)
Petition for review and application for stay denied

Chin, J., was recused and did not participate.

S114241

E033241 Fourth Appellate District,
Division Two

LUJAN v. S.C. (PEOPLE)
Petition for review and application for stay denied

S114286

E033255 Fourth Appellate District,
Division Two

W. (JAMES) ON H.C.
Petition for review denied as moot.

S114299

A101508 First Appellate District,
Division One

DRAMOV v. S.C. (MEDICAL BOARD)
Petition for review and application for stay denied

S114313

A101770 First Appellate District,
Division Three

WALNUT CREEK, CITY OF v. S.C.
(SHROPSHIRE)
Petition for review and application for stay denied

S114314

A101599 First Appellate District,
Division Three

WALNUT CREEK, CITY v. S.C. (DIABLO
DIVERS et al.)
Petition for review and application for stay denied

S114329

A099184 First Appellate District,
Division One

WALSH v. S.C. (FAWCETT et al.)
Petition for review and application for stay denied

S114353

F042476 Fifth Appellate District

CLS INVESTMENTS v. S.C. (BRIGHT)
Petition for review and application for stay denied

S114355

F042475 Fifth Appellate District

CLS INVESTMENTS v. S.C. (BRIGHT)
Petition for review and application for stay denied

S114454

B165304 Second Appellate District,
Division Two

LEASCO, INC. v. S.C.L.A. (TENORIO)
Petition for review and application for stay denied

S106242	BONTILAO (ARPRUBERTITO) ON H.C. Petition for writ of habeas corpus denied
S106393	SARIASLAN (RAMIN) ON H.C. Petition for writ of habeas corpus denied
S107292	MCGANN (FRANCISCO) ON H.C. Petition for writ of habeas corpus denied
S107640	JOHNSON (GLENN G.) ON H.C. Petition for writ of habeas corpus denied
S107961	SAWYER (KEVIN DEROI) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S108026	BRYAN (WILLIAM J.) ON H.C. Petition for writ of habeas corpus denied
S108162	BUCHANAN (CRAIG PAUL) ON H.C. Petition for writ of habeas corpus denied
S108204	DECKER (JAMES) ON H.C. Petition for writ of habeas corpus denied
S108383	OWENS (HERCHELL O'NEAL) ON H.C. Petition for writ of habeas corpus denied
S108440	BRUCE (WILLIAM SIMPSON) ON H.C. Petition for writ of habeas corpus denied
S108458	MCCURDY (GLENN) ON H.C. Petition for writ of habeas corpus denied
S108677	PLEDGER (JAMES L.) ON H.C. Petition for writ of habeas corpus denied

S108681	ROARK (DAHESI) ON H.C. Petition for writ of habeas corpus denied
S108692	GREER (RONNIE JOE) ON H.C. Petition for writ of habeas corpus denied
S108696	EPPS (DENNIS LEE) ON H.C. Petition for writ of habeas corpus denied
S108712	INMAN (PAUL DOUGLAS) ON H.C. Petition for writ of habeas corpus denied
S108724	REID (WALTER R.) ON H.C. Petition for writ of habeas corpus denied
S108825	DEL AGUILA (MARCO V.) ON H.C. Petition for writ of habeas corpus denied
S109097	HERRON (JOSEPH) ON H.C. Petition for writ of habeas corpus denied
S109113	DAVIS (TYRONE) ON H.C. Petition for writ of habeas corpus denied
S109166	YORK (REGINALD RAY) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S109167	BOSEMAN (STEVEN) ON H.C. Petition for writ of habeas corpus denied
S109334	GALVIS (MISAEAL) ON H.C. Petition for writ of habeas corpus denied
S109357	VALENZUELA (FRANK) ON H. C. Petition for writ of habeas corpus denied

S109369	BYERS (CLIFFORD) ON H.C. Petition for writ of habeas corpus denied
S109378	BROWN (JOSEPH S.) ON H.C. Petition for writ of habeas corpus denied
S109381	FORREST (RODERICK E.) ON H.C. Petition for writ of habeas corpus denied
S109383	SOTO (ABELARDO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S109508	CANDIA (GABRIEL MARIO) ON H.C. Petition for writ of habeas corpus denied
S109519	TRACY (PHILLIP E.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S109659	DELGADO (DANIEL) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S109975	LAPLANTE (FLOYD) ON H.C. Petition for writ of habeas corpus denied
S110694	THOMAS (DANIELLE E.) ON H.C. Petition for writ of habeas corpus denied
S110701	CRAWFORD (KIM ROGER) ON H.C. Petition for writ of habeas corpus denied
S110894	FOSTER (RICKY T.) ON H.C. Petition for writ of habeas corpus denied with citation(s)

S110945	POOLE (CHESTER CARLOS) ON H.C. Petition for writ of habeas corpus denied
S110948	SILIGA (PAUL) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110955	CASTRO (ARTURO C.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110958	TISCARENO (JOSE) ON H.C. Petition for writ of habeas corpus denied
S110959	POLLEY (STEPHEN) ON H.C. Petition for writ of habeas corpus denied
S110977	SMITH (CHARLES M.) ON H.C. Petition for writ of habeas corpus denied
S110981	LANE (KERRY D.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S111039	MARKHAM (ANDREW) ON H.C. Petition for writ of habeas corpus denied
S111045	THOMPSON (JOHN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S111071	JACKSON (N. J.) ON H.C. Petition for writ of habeas corpus denied
S111081	TORRES (SIMION) ON H.C. Petition for writ of habeas corpus denied with citation(s)

S111089	JACKSON (LAMON E.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S111100	RHINEHART (MICHAEL) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S111107	EDWARDS (RICHARD A.) ON H.C. Petition for writ of habeas corpus denied
S111130	CABRERA (JOSE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S111149	RAMIREZ (ANGEL) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S111328	MORGAN (TYRONE L.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S111357	THOMAS (DANIELLE) ON H.C. Petition for writ of habeas corpus denied
S111404	WILSON (MARK) ON H.C. Petition for writ of habeas corpus denied
S111502	LAPLANTE (FLOYD) et al. ON H.C. Petition for writ of habeas corpus denied with citation(s)
S111563	POLLEY (STEPHEN) ON H.C. Petition for writ of habeas corpus denied

S111759	FOSTER (RICKY T.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S112277	DIAMOND (ANGEL O.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S113398	FOSTER (RICKY T.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S113907	HAWKINS (DAVID W.) ON H.C. Petition for writ of habeas corpus denied
S113981	GHOLAR (JOHN RAY) ON H.C. Petition for writ of habeas corpus denied
S104043 C033396 Third Appellate District	CROOKS v. SAMMONS TRUCKING Publication request denied (case closed)
S108051 B134386 Second Appellate District, Division One	ELECTRO LOCK, INC. v. CORE INDUSTRIES Publication request denied (case closed)
S108350 A095600 First Appellate District, Division Three	JACOBS v. CALIF. DEPT. OF JUSTICE Publication request denied (case closed)
S110965 B151196 Second Appellate District, Division Five	LUJAN v. UNIVERSAL CITY Publication request denied (case closed)
S111179 D037493 Fourth Appellate District, Division One	ANACKER v. CITY OF SAN DIEGO Publication request denied (case closed)

S111469

A084367 First Appellate District,
A084371 Division One

NAEGELE v. R. J. REYNOLDS TOBACCO CO.
Publication request denied (case closed)

S111650

B154694 Second Appellate District,
Division Three

NEWMAN v. PHAN
Publication request denied (case closed)

S112282

B159257 Second Appellate District,
Division Eight

DEPT. OF ALCOHOLIC BEVERAGE v.
ALCOHOLIC BE
Depublication request denied (case closed)

S112810

C038768 Third Appellate District

BRISTOW v. DOME PRINTING
Publication request denied (case closed)

S113050

B153006 Second Appellate District,
Division Six

SAN LUIS OBISPO TRIBUNE v. CITY OF EL
Publication requests denied (case closed)

S113489

A098022 First Appellate District,
Division Four

PALOMA v. NEWARK
Publication request denied (case closed)

S113806

D038673 Fourth Appellate District,
Division One

SCJ, INC. v. DAVIS
Publication request denied (case closed)

S109711

B139975 Second Appellate District,
Division Seven

CASSIM v. ALLSTATE INSURANCE COMPANY
Extension of time granted

to April 2, 2003 for respondent to file the
reply brief on the merits.

S111138

F040063 Fifth Appellate District

R. (CELINE), IN RE
Extension of time granted

to April 16, 2003 for respondent to file the
answer brief on the merits. No further
extensions of time will be granted.

S111998

D038326 Fourth Appellate District,
Division One

CASA HERRERA INC. v. BEYDOUN

Extension of time granted

to April 23, 2003 for apt to file the answer
brief on the merits. No further extensions of
time will be granted.

S112103

MARTINEZ (OMAR) ON H.C.

Extension of time granted

to April 16, 2003 to file the informal response
to the petition for writ of habeas corpus. After
that date, only one further extension totaling
30 additional days is contemplated. Extension
is granted based upon Deputy Attorney
General Carlson Legrand's representation that
he anticipates filing that document by
5/15/2003.

S112168

C036988 Third Appellate District

PEOPLE v. EDMONTON

Extension of time granted

to April 21, 2003 for appellant to file the
opening brief on the merits.

S112201

D039196 Fourth Appellate District,
Division One

PEOPLE v. SAMPLES

Extension of time granted

Appellant's time to serve and file the brief on
the merits is extended to and including
May 27, 2003.

S104019

F031142 Fifth Appellate District

GERAWAN FARMING v. LYONS

Order filed

The application of Eric S. Jaffe to appear as
pro hac vice for appellant is hereby granted

S046848

PEOPLE v. DALTON (KERRY LYN)

Order appointing State Public Defender filed

The State Public Defender, previously
appointed to represent appellant for the direct

appeal, is hereby appointed to also represent appellant for state habeas corpus/executive clemency proceedings related to the automatic appeal.

S075616

PEOPLE v. GONZALES AND SOLIZ
Order appointing State Public Defender filed

to represent appellant Michael Soliz for the direct appeal.

S014200

PEOPLE v. DUNKLE (JON SCOTT)
Order filed

Appellant's application for leave for permission to file reply brief in excess of 140 pages in capital case is granted.

S089463

LAWLEY (DENNIS H.) ON H.C.
Referee appointed

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable Roger M. Beauchesne, Judge of the Stanislaus County Superior Court, is appointed to sit as a referee in this proceeding. He shall take evidence and make findings of fact on the following questions regarding the case of *People v. Dennis Harold Lawley* (Stanislaus County Superior Court No. 243108; Judge Eugene Acevedo):

1. Is petitioner factually innocent because Brian Seabourn killed Kenneth Stewart, not at petitioner's request, but solely for or at the direction of the Aryan Brotherhood or other persons?

2. Did Brian Seabourn communicate with District Attorney James C. Brazelton, by letter or other means, after petitioner's trial? If so, what was the substance of the communication?

3. Does the Department of Corrections, or any of its employees, agents or subordinate or related entities, possess information

exonerating petitioner of complicity in the killing of Stewart?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made.

Any requests for discovery in this matter, including but not limited to any motion by petitioner under *Pennsylvania v. Ritchie* (1987) 480 U.S. 39, should be addressed to the referee. (See *In re Scott* (2003) 29 Cal.4th 783, 814.)

S108465

GALI, ACCUSATION OF
Petition denied (accusation)

S108643

JITNER, ACCUSATION OF
Petition denied (accusation)

S108652

TURNER, ACCUSATION OF
Petition denied (accusation)

S109245

PARTON, ACCUSATION OF
Petition denied (accusation)

S110177

RAMEY, ACCUSATION OF
Petition denied (accusation)

S110225

DILLON, ACCUSATION OF
Petition denied (accusation)

S110538

MELROSE, ACCUSATION OF
Petition denied (accusation)

S110869

TOVAR, ACCUSATION OF
Petition denied (accusation)

S110961	GRAVES, ACCUSATION OF Petition denied (accusation)
S110984	CALLENDER, ACCUSATION OF Petition denied (accusation)
S110987	ST. CLAIR, ACCUSATION OF Petition denied (accusation)
S111055	KESTIN, ACCUSATION OF Petition denied (accusation)
S111073	RAY, ACCUSATION OF Petition denied (accusation)
S111074	CLARK, ACCUSATION OF Petition denied (accusation)
S111104	KESTIN, ACCUSATION OF Petition denied (accusation)
S111145	KRAUSS, ACCUSATION OF Petition denied (accusation)
S111169	REID, ACCUSATION OF Petition denied (accusation)
S111350	MOORE, ACCUSATION OF Petition denied (accusation)
S111377	FOSTER, ACCUSATION OF Petition denied (accusation)

Request for judicial notice denied.

S111382	OLIVER-ELSON, ACCUSATION OF Petition denied (accusation)
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S111408WESTERMEYER, ACCUSATION OF
Petition denied (accusation)**S111443**WESTERMEYER, ACCUSATION OF
Petition denied (accusation)**S111679**CRITTENDEN, ACCUSATION OF
Petition denied (accusation)**S111850**URSUA, ACCUSATION OF
Petition denied (accusation)**S111854**MORALES, ACCUSATION OF
Petition denied (accusation)**S107791**

F031142 Fifth Appellate District

PEOPLE v. BUTLER
Order filed

To assist in the resolution of this case, the court hereby orders the parties to brief the following issues:

In the absence of a timely objection, may a defendant who has been ordered to submit to a blood test pursuant to Penal Code section 1202.1, subdivisions (a) and (c)(6), appeal such order on the ground that the record contains insufficient evidence to establish probable cause to believe that blood, semen, or other bodily fluid capable of transmitting human immunodeficiency virus has been transferred from the defendant to the victim?

If the defendant may appeal on such ground without a timely objection, what is the appropriate remedy if the reviewing court finds insufficient evidence to support a finding of probable cause?

Supplemental letter briefs shall be filed simultaneously by both parties on or before April 7, 2003.

B159011 Second Appellate District,

BOYD et al. v. E.I. DuPONT de NEMOURS & CO.
Order filed

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Five to Division Three.

B158437 Second Appellate District
Division Two

PEOPLE v. GRAY (BERNARDOS)
Order filed

The time for granting review on the court's own motion is hereby extended to and including May 7, 2003. (Cal. Rules of Court, rule 28(a)(1).)

